

## REMARKS

Claims 1-13 are currently pending in the application. Claims 1, 4, 7, 9, and 10 have been amended and claim 8 has been cancelled herein.

### I. FORMAL MATTERS

Applicant notes with appreciation that the First Office Action acknowledges the claim to priority and indicates that the certified copies of the priority documents have been received.

The First Office Action indicates that the drawings filed on October 21, 2003 are objected to. The Examiner asserts that Fig. 15 should be designated as Prior Art because only that which is old is illustrated. Applicant submits herewith a Corrected Formal Drawing for Fig. 15 which labels Fig. 15 as "Prior Art."

Claims 11 is rejected under 35 U.S.C. § 112, second paragraph. Applicant submits that the amendments to claim 4 presented herein overcome the noted objections.

Claim 13 is objected to under 37 CFR 1.75(c) as being in improper form. Applicant submits that the amendments to claim 9 presented herein overcome the noted objections.

### II. PRIOR ART REJECTIONS

#### A. Claims 5 - 12

Claims 5 - 12 are provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1, 3 – 6, 8, 10 – 16, 18, and 20 of U.S. Application No. 10/649,231. Applicant submits herewith a Terminal

Disclaimer signed by the attorney of record. Thus, Applicant submits that this rejection is overcome.

B. Claims 1-6 and 11-13

Claims 1 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,687,022 to Lapstun et al. ("Lapstun"). Claims 4 and 11 are rejected under U.S.C. 103(a) as being unpatentable over Lapstun in view of Applicants Admitted Prior Art ("AAPA"). Claims 2 and 3 are rejected under U.S.C. 103(a) as being unpatentable over Lapstun in view of AAPA as applied to claims 4 and 11 and further in view of FreeBSD Developers' Handbook Chapter 9 DMA ("FreeBSD"). Claims 5 and 6 are rejected under rejected under U.S.C. 103(a) as being unpatentable over Lapstun in view of AAPA further in view of FreeBSD as applied to claims 2 and 3 and further in view of U.S. Patent No. 6,665,088 to Chiba et al. ("Chiba"). These rejections are traversed.

Independent claim 1 has been amended to depend from Independent claim 4. Independent claim 4 has been amended to incorporate features from claims 7 and 8, which are indicated to be allowable on page 13 of the Office Action. Therefore, Applicant submits that claim 4 is allowable. All of the claims depend from claim 4. Accordingly, all of the claims should be allowable.

Based on the foregoing, Applicant submits that the present application is in condition for allowance and allowance is respectfully solicited. If the Examiner believes that any of the outstanding issues could be resolved by a telephone conference, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number listed below.

Applicants believe that no additional fees or extensions are required. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Office is conditionally authorized and requested to charge Deposit Account

**No. 04-1105.** Also, the Office should consider this a conditional petition for the proper extension period needed to have this response entered and considered, if any.

**CONCLUSION**

In view of the above amendment, Applicant requests reconsideration, withdrawal of all rejections, and allowance of all pending claims (i.e., claims 1 – 7 and 9 – 13) in due course.

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Respectfully submitted,

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